



United States Attorney  
Southern District of New York

The Jacob K. Javits Federal Building  
26 Federal Plaza, 37th Floor  
New York, New York 10278

October 11, 2024

**BY ECF**

The Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: **United States v. Mohsin Suhan**  
**S4 24 Cr. 109 (JGK)**

Dear Judge Koeltl:

The Government by this motion asks that the Court schedule argument on the defendant's motion for reconsideration of the Court's prior order of detention at a date and time that Government counsel can attend the argument. The currently scheduled appearance on October 17, 2024 at 2:30 PM conflicts with a proceeding in the grand jury that has been scheduled for more than a month and cannot be rescheduled.

On June 25, 2024, the Court denied the defendant's bail application. The Court in that decision was the second federal judge to find the defendant presented a significant flight risk and could not be granted pretrial release under the terms of 18 U.S.C. § 3142, a conclusion shared by Magistrate Judge Jennifer Willis during the defendant's initial bail hearing. On October 4, 2024, the defendant filed a motion for reconsideration of that decision that cites little, if anything new, and rehashes arguments that he already made to the Court. The Court has scheduled argument on the motion for October 17, 2024 at 2:30PM.

As noted above, counsel for the Government is unable to attend that hearing because of a long-scheduled appearance in the grand jury at the same time. Government counsel cannot attend the hearing as scheduled but is prepared to attend argument at any of the following times:<sup>1</sup>

- October 15, 2024 – at the Court's convenience
- October 16, 2024 -- available until 11AM or after 4PM
- October 17, 2024 – available until 1PM or after 5PM
- October 18, 2024 – available until noon or after 3PM
- October 22-24, 2024 – at the Court's convenience
- October 25, 2024 – available until noon or after 4PM

<sup>1</sup> Defense counsel has said he is unavailable on October 15 and 16 and is available in the afternoons of October 17 and 18, but counsel has declined to give his availability for any other dates.

ADJUDICATED TO FRONT,  
OCTOBER 18, 2024, AT 3:30PM.  
SO ORDERED.  
*[Signature]*  
10/15/24 ✓ 5 0 J

- October 28 – November 1, 2024 – at the Court’s convenience  
(Beginning on November 4, 2024, I will be engaged in a two-to-three-week trial and unavailable for argument in this case.)

If the Court is unable to reschedule the argument, alternative counsel will appear for the Government. But in a fact-heavy argument, like a bail argument, especially where, as here, the defendant has argued that the evidence in the case is weak and does not implicate the defendant, *see* Dkt. no. 66 at 2, the Government should be given the opportunity to be represented by the attorney who best knows the case and is in the best position to argue against the defendant’s motion. It is also important that the Government be represented by counsel assigned to the case at the bail argument because when defense counsel previously argued for bail and I was unable to attend, defense counsel made incorrect statements about what he and I had discussed in the case that an attorney appearing only for the was not able to correct. *See* 6/25/24 Tr. at 24. The Court understandably wants to decide the defendant’s motion reasonably quickly, and I understand also that the Court is beginning a trial on October 21, 2024, which limits scheduling options in the immediate future. The defendant, however, has already twice had his bail application heard, considered, and ultimately rejected by a Judge in this District. His arguments here do little more than rehash arguments that have already been rejected. The concerns that might exist about delaying an initial bail determination do not exist the same way the third time around.

As described above, I cannot attend the currently scheduled hearing, but I am prepared to appear most days and at most times in the next few weeks, including options that require rescheduling other appearances and commitments. I thank the Court for considering this application.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Andrew Jones  
Andrew Jones  
Assistant United States Attorney